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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/609,060 | 06/28/2003 | Tong Zhang | BP 2859 | 6862 |

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GARLICK HARRISON & MARKISON LLP
P.O. BOX 160727
AUSTIN, TX 78716-0727

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| EXAMINER |
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HUYNH, KIM NGOC

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| ART UNIT | PAPER NUMBER |
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2182

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,060

Applicant(s)

ZHANG ET AL

Examiner

Kim Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to Input Output polling, classified in class 710, subclass 46.
- II. Claims 11-24, drawn to peripheral configuration/Initialization, classified in class 710, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as interrogating the peripherals to determine readiness thereof to transfer data. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Bruce E. Garlick on 3/24/05 a provisional election was made without traverse to prosecute the invention II, claims 11-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-14 and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-14 and 20-21 contain the trademark/trade name Bluetooth and USB operating/interface standard. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

Correction/clarification required.

The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 15, 17-18, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Junod et al. (US 5,854,621).

Claims 11 and 18, Junode discloses computer system having a host computer 30, at least one wireless user input device 10, and a host side wireless interface 20 (Fig 6). The host side wireless interface 20 having a host interface 610, a processing unit 600, a non-volatile memory 620 and wireless network interface 640-700 for interfacing with one of the wireless input device; wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

Claims 15 and 22, Junod discloses the wireless input device including one of wireless mouse, keyboard or game controller (col. 2, ll. 6-22).

Claims 17 and 24, Junod discloses the information includes at least an address and a link key (col. 8, ll. 2-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-24 are rejected under 35 U.S.C. 103(a) as being obvious over Lazzarotto et al. (US 6,782,245) in view of Junod.

Claims 11 and 18, Lazzarotto discloses a computer system having a host computer (not shown), at least one wireless user input device 608, and a host side wireless interface (wireless peripheral interface 101-801, as best shown in Figs. 8A-B, 801-802) for servicing the host computer and the wireless user input device 608s. The host side wireless interface having a host interface 825, a processing unit MCU 815, a non-volatile memory EEPROM (see Fig. 8b) and wireless network interface 805/830 for interfacing with one of the wireless input device; wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28 and col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during

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subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

Lazzarotto does not disclose the communication protocol wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory and also transferred to the host computer via the host interface wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device.

Junod discloses a system for configuring a communication with a wireless peripheral device wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 8, ll. 24-28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

It would have been obvious to one having ordinary skill in the art combine the operating protocol of Junod in the system of Lazzarotto in order to communicate with the wireless input devices since Lazzarotto discloses his apparatus using a communication protocol as disclosed by Junod (US Pat 5,881,336) in order to permit multiple wireless device to communicate with the host system simultaneously using USB to maximize expandability and simplify the connection to the host device (Lazzarotto, col. 2, ll. 28-38 and col. 5, ll. 23-25).

Claims 13-15 and 20-22, Lazzarotto discloses the host interface is based on USB interface standard (col. 13, ll. 25-31) and host side wireless interface operates based on Bluetooth operating standard (col. 12, ll. 60-63) and the wireless input device including one of wireless mouse, keyboard or game controller (abstract).

Claims 12, 16, 19 and 23, Lazzarotto discloses the wireless input devices 608 communicate with the host side wireless interface via Bluetooth operating standard, therefore the priority given to the wireless input device is based upon the Remote Name Request (BD_ADDR or AM_ADDR or Class of Device Indication, a generic description of the wireless device) due to the parameters used in the authentication and communication of the host controller interface (HCI) of the Bluetooth technology. According to the Bluetooth specification, each Bluetooth device is given a remote address (BD_ADDR) and each slave device is assigned an active address (AM_ADDR) when a piconet is formed in order to provide priority within the same piconet or if the AM-ADDR to avoid unauthorized tampering and packet modifying.

Claims 15 and 22, Lazzarotto discloses the wireless input device including one of wireless-mouse, keyboard or game controller (abstract).

Claims 17 and 24, the information includes at least an address and a link key (Junod, (col. 8, ll. 2-18).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Powderly et al. (US 6,560,641), Uyesugi et al. (US 5,949,777),

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Cowan (US 5,848,064) and Chang et al. (US 2003/0045236 A1) disclose various system for communicating with wireless peripheral devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Kim Huynh', with a long horizontal line extending to the right.

Kim Huynh
Primary Examiner
Art Unit 2182

KH
3/25/05